IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.8.2006

C O R A M

The Honourable Mrs. Justice PRABHA SRIDEVAN

Writ Petition No.25827 of 2006

M. Raymond Singh .. Petitioner

versus

1. Chairman, Admission Committee (UG),
   Tamil Nadu Veterinary and Animal
   Sciences University, Chennai-51.

2. Director, Department of Animal Husbandry,
   Chennai-6. .. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for writ of mandamus to direct the first respondent to admit the petitioner for the B.V.Sc. Degree Course for the year 2006-2007 as an inservice candidate sponsored by the department of Animal Husbandry.

For Petitioner : Mr. A. Immanuel
For Respondent-1 : Mr. S. Vijayakumar

O R D E R

The petitioner is a Livestock Inspector Grade-II, who wants to undergo B.V.Sc. Degree Course. He was not permitted to join the Course on the ground that the Prospectus does not allocate ten seats for inservice candidates. According to the petitioner, there should be ten seats allocated for this category and therefore, he seeks a mandamus.

2. The chronological order of the Government Orders issued in this regard may help us. G.O. Ms. No.731 , Agri. (A.H.6) dated 28.3.1981 was issued on the request of the Tamil Nadu Livestock Inspectors' Association for permission to enable them to study B.V.Sc. Course so that they become Veterinary Assistant Surgeons. The Government accepted the proposal of the Director of Animal Husbandry, who was authorised to select 10 Livestock Inspectors every year for admission to the Course. They are all erstwhile S.S.L.C. Candidates, who will not satisfy the minimum

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educational qualification criteria prescribed and a request was, therefore, made that the Government should not insist upon this condition and also seeking age concession. By G.O. Ms. No.2273, Agri. (A.H.6) dated 13.10.1981, the Government felt that by relaxing the minimum educational qualification, the quality and standard of B.V.Sc. Degree Course is liable to come down and therefore, they decided to relax only the rule relating to age and all other conditions specified in G.O. Ms. NO.731 remained unaltered. One of the conditions stipulated in that G.O. was that the Livestock Inspectors have to seek admission to the Course along with other regular candidates. By G.O. Ms. No.307, Agri. (A.H.6) dated 11.3.1987, the Director of Animal Husbandry agreed to depute two Livestock Inspectors for undergoing B.V.Sc. Degree Course with full pay and dearness allowance. On 5.11.1992, G.O. Ms. No.1053, Education (V.I) Department came to be issued, by which the Government decided to accept the request of the Livestock Inspectors, permitting them to appear for Plus Two Examinations. By G.O. Ms. No.154, Animal Husbandry & Fisheries (A.H.6) Department dated 24.11.1996, the individual cases of some Livestock Inspectors were considered and orders already issued deputing candidates to study B.V.Sc. Degree Course at Government cost were cancelled, and the Director of Animal Husbandry was instructed that no candidate will be deputed to study B.V.Sc. Degree Course at Government's cost in future. Secretariat Letter Na. Ka. No.79844/E2/93-2 dated 12.10.1996 was issued to all the Directors, informing them that any Livestock Inspector wishing to undergo B.V.Sc. Degree Course should undergo the Course at their own cost.

3. In 2002-2003, ten seats were allotted to Livestock Inspectors, as seen from the Prospectus enclosed in the typed set of papers. The Prospectus for the year 2002-2003 does not indicate that any relaxation should be given in their cases with regard to age or marks. In fact, the particulars regarding the Eligible Minimum Marks at page 12 of the typed set of papers show that while it is enough if the SC/ST candidates obtain pass marks, the petitioner, who claims to belong to BC Community, should have obtained 60 marks in all the subjects and an aggregate of 130 out of 200 marks, whether he was of academic stream or vocational stream. As regards age limit, only SC/ST and Tamil Repatriates from Burma/Sri Lanka and Tamil Refugees from Sri Lanka were given age relaxation. As regards the former, there was no age limit, while as regards the latter, the age limit was 24 and for others, it was 21. The Prospectus specifically stipulates that no relaxation of age limit is permissible on any grounds. By G.O. Ms. No.193, Higher Education (J1) Department dated 30.5.2003, the Government decided to restrict the categories of reservation other than the reservations as per Tamil Nadu Act 45 of 1994 to four kinds, i.e., Physically Handicapped, Eminent Sportsmen, Children of Freedom Fighters and Children of Ex-Servicemen. This decision was taken pursuant to the judgment of the Five Judge Bench of this Court in Writ Appeal No.3221 of 2003 and W.A.M.P. No.5348 of 2002 Etc. Batch [Minor M. Aarthi & Others vs. State of Tamil Nadu & Another (2002 W.L.R. 898)].

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4. According to the learned counsel for the petitioner, in that judgment, the case of inservice candidates never came up for consideration and the Government had misconstrued the judgment and had wrongly deleted the the provision relating to the allocation of ten seats for Livestock Inspectors in the present case.

5. Learned counsel appearing for the first respondent would submit that the said judgment made it clear that it would not be possible to make inroads into the reserved category and specifically restricted it to the four categories mentioned in the said judgment and therefore, the Government understood the judgment in its proper perspective and had deleted the allocation of ten seats to Livestock Inspectors. Learned counsel submitted that even otherwise, the petitioner is not entitled to admission since he is beyond the age limit prescribed in the Prospectus and he has also obtained only 93 out of 200 marks in Physics and 106 out of 200 marks in Chemistry.

6. The earlier Prospectus where ten seats were allocated to Livestock Inspectors has been furnished in the typed set of papers. Even if we accept that as the basis for considering the petitioner's request for a mandamus, the petitioner cannot be granted the relief he has sought for, because even that Prospectus specifically provides that no age relaxation can be granted on any ground and there is nothing therein to show that as regards Livestock Inspectors, there could be relaxation in the minimum marks to be obtained. The question whether reservation for inservice candidates was covered by the Five Judge Bench decision is left open. The writ petition has to be dismissed, because even as per the Prospectus of the year 2002-2003, where ten seats were allocated for Livestock Inspectors, the petitioner is not qualified as on date. He is beyond the age prescribed and he has obtained lesser marks than the minimum marks to be obtained by a BC Community candidate. The writ petitioner has not made out a legal right, nor has he demonstrated that the respondents owe a legal duty.

7. For all these grounds, a writ of mandamus cannot be issued. The writ petition is dismissed. No costs. Consequently, M.P. No.1 of 2006 is closed.

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Asst.Registrar

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Sub Asst.Registrar

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To

1. The Chairman,
   Admission Committee (UG),
   Tamil Nadu Veterinary and Animal Sciences University,
   Chennai-51.

2. The Director,
   Department of Animal Husbandry,
   Chennai-6.

1 cc To Mr.S.Vijayakumar, Advocate, SR.39390.
1 cc To Mr.A.Immanel, Advocate, SR.39398.

W.P. No.25827 of 2006

SGL(CO)
RVL 08.09.2006

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